

EXHIBIT O

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SONOS, INC.,
Plaintiff,
vs. Case No. 3:21-CV-07559-WHA
GOOGLE LLC
Defendant.

-AND-

GOOGLE LLC,
Plaintiff,
vs. Case No. 3:20-CV-06754-WHA
SONOS, INC.,
Defendant.

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SOURCE CODE

ZOOM DEPOSITION OF DAN SCHONFELD, Ph.D.
(Reported Remotely via Video & Web Videoconference)
Northbrook, Illinois (Deponent's location)
Wednesday, August 31, 2022

STENOGRAPHICALLY REPORTED BY:

REBECCA L. ROMANO, RPR, CSR, CCR

California CSR No. 12546

Nevada CCR No. 827

Oregon CSR No. 20-0466

Washington CCR No.

JOB NO. 5414658

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1 been at the time of the hypothetical negotiation, 2 as I understand it. 3 Q. Again, though, you didn't explain that in 4 your expert report, correct? 5 A. With respect to the one example that I 6 highlighted in section 12, I did. With respect to 7 the nonoverlapping mode -- the nonoverlapping 8 groups, rather, I don't recall that I went through 9 a detailed explanation of it, but -- but it -- it 10 is clear -- pretty clear to me, back then and now, 11 that that would be the case. 12 Q. And you don't provide any additional 13 non-infringing alternatives in your other expert 14 reports, correct? 15 MS. AUBRY: Objection. Form. 16 THE DEPONENT: So in my rebuttal report, 17 I rebut Almeroth's -- Dr. Almeroth's opinions that 18 as it relates to -- to my report as -- in -- in the 19 form of -- sorry, not in my report, but to the 20 proposed non-infringing alternative provided by 21 Google, and it's focused, I believe, exclusively on 22 the same redesign of this standalone mode. I would 23 have to read it again to be sure that that's the 24 case, but that's my recollection, and I do not 25 believe I discuss non-infringing alternatives in	10:21:16 10:21:34 10:21:55 10:22:45 10:24:38 10:24:58 Page 46	1 is playing music, the single speaker -- sorry. 10:28:13 2 "When a single" -- and then I will quote here: 3 "When a single speaker is playing music and a group 4 is playing music and the single speaker is added to 5 the group, the speaker will begin playing the music 10:28:26 6 that the group was playing." 7 So it -- to restate it and -- right now, 8 at a high level, it would mean that whenever the -- 9 a particular speaker has been added to a group, 10 that means that that particular speaker will no 10:29:10 11 longer function independently. Whatever the group 12 is doing, that's what the speaker will be doing. 13 Q. And when you say a particular speaker is 14 added to a group, are you referring to a group that 15 already exists that was previously created? 10:29:34 16 A. Not necessarily. If the group has been 17 created from scratch, then the moment that the -- 18 the speakers are added into that group, all of the 19 speakers in that group will begin to function in 20 unison, and either they will -- if any of them were 10:29:54 21 previously playing something, one of -- one of them 22 will -- whatever one of them is playing will be 23 played on all the speakers, and if none of them 24 are -- were -- were playing, then they will not 25 play -- they will continue to not play, but they 10:30:10 Page 48
1 this supplemental report. 10:25:03 2 Q. (By Mr. Smith) Okay. And if we go back 3 to your opening report and we look at paragraph 4 726, this provides a -- a summary of the 5 non-infringing alternative; is that correct? 10:25:25 6 A. I mean, you could view it as a summary 7 or a over- -- or an overview of the non-infringing 8 alternative. It's discussed in additional detail 9 also in paragraph 728 and other places. 10 Q. And can you describe for me what the 11 non-infringing alternative is? 10:26:30 12 A. So the -- the answer is described in the 13 high level, as you mentioned, in paragraph 726, 14 which states that after it -- after the speaker has 15 been added to the -- to a target group, "it matches 16 the music (or silence)" from "the target group." 17 And in -- paragraph 728, as I mentioned, 18 goes into some additional detail and states that, 19 at that point, it will "not continue to operate in 20 'standalone' mode after" it's "been added 21 to" the -- "to those zone scenes." But, instead, 22 the accused standalone speaker will match the 23 music, or silence, of the target scene [sic] as 24 opposed to what happens currently where it -- where 25 the single speaker is playing music and the group	10:27:29 10:27:50 10:28:10 Page 47	1 will function and be configured to always -- to 10:30:15 2 always play in synchrony from the moment the group 3 was established, even if the group did not 4 previously exist. 5 Q. Is your understanding of the standalone 10:30:37 6 mode that the player has to be actively engaged in 7 the playback of audio? 8 A. I'm not sure that I follow you. At -- at 9 what time period? Are you saying, in order to meet 10 the standalone mode, that would be the criteria, 10:31:05 11 or -- so I am not sure exactly what you are asking. 12 Q. In order to meet the standalone mode, 13 does the zone player have to be playing audio? 14 MS. AUBRY: Objection. Form. 15 THE DEPONENT: That's not my 10:31:39 16 understanding. 17 Q. (By Mr. Smith) What is your 18 understanding of the standalone model? 19 A. If you look at -- just -- just, for 20 example, at paragraph 75 of my supplemental 10:32:47 21 report -- and this discussion might be flushed out 22 in more detail elsewhere, but this is first 23 instance that I came across -- it states that under 24 the Court order -- under -- under the Court's -- 25 sorry. Let me start from scratch. 10:33:09 Page 49

1 "I understand the Court also found that 2 the specification does disclose," quote, "that an 3 individual smart speaker that has been added to a 4 speaker group will continue to" play "individually 5 - i.e., in 'standalone mode' - until the speaker 6 group of which it is a member is activated by the 7 user, at which point the individual speaker will 8 transition to be" -- "to be controlled as part of 9 the group," so -- and I state: "I further 10 understand that with respect to the term 11 'standalone mode,' it is sufficient for the 12 specification to disclose," quote, "that the 13 process of forming zone scene occurs in a specific 14 order," and then close quote, "where the scene is 15 saved and," quote, "'invoke[d]'," close quote, 10:34:07 16 "later, regardless of the particular behavior of 17 the zone player after the zone scene has been saved 18 and before it has been invoked." 19 And just to go back to the quotation from 20 the Court's order, the Court's in- -- instructs us 10:34:24 21 that standalone mode is where a speaker has been 22 added but continues to operate individually, and 23 that is consistent with the claim language, 24 which -- in the limitation, beginning with "while 25 operating in standalone mode in which the first	10:33:12 10:33:25 10:33:47 10:34:07 10:34:24 10:34:50 Page 50	1 music on the speaker and that music will not be 2 playing on the other speakers in the group or not 3 playing music on that speaker and regardless of 4 what's being played or not played by the other 5 speakers in that group. That is my understanding 6 of what "continues to operate individually" would 7 be under the Court's instruction, and that is 8 exactly what is not permitted in the non-infringing 9 alternative. 10 Q. So a player can be in standalone mode 10:37:18 11 even if it's not playing audio, correct? 12 A. Yes. The only thing that I want to make 13 clear is that my understanding of Sonos's initial 14 interpretation is that that was, by itself, 15 sufficient for being considered to be in standalone 10:37:42 16 mode, and I would disagree with that, but the 17 answer to your question is: Yes, you can be in 18 standalone mode and not play audio. 19 Q. And can you explain why you disagree with 20 Sonos's initial interpretation? 10:38:15 21 A. Because that would be inconsistent with 22 the Court's order or the claim language, and, 23 specifically, that is not sufficient. 24 In other words, if you are in that 25 configuration and you are not playing audio, but	10:36:44 10:36:58 10:37:18 10:37:42 10:38:15 10:38:33 Page 52
1 zone player is configured to play back media 10:34:53 2 individually," and that is the understanding that I 3 applied. 4 Q. What does it mean for a player to be 5 configured to play back audio individually? 10:35:06 6 A. That it is not configured to play as part 7 of the group, which is precisely what the 8 non-infringing alternative contemplates. 9 Q. So your position is that standalone mode 10 covers any mode in which the player -- sorry. 10:35:30 11 Let me -- let me restate that. Scratch that. 12 Your position is that standalone covers 13 you -- or, excuse me, let me restate that again. 14 Your position is that standalone mode 15 covers any mode in which the player is not 16 configured to play as part of the group; is that 17 correct? 18 A. My position is that standalone mode is 19 where the speakers continues to operate 20 individually, and I'm quoting directly from the 21 Court's order, and that is -- and it's 22 configured to -- and then -- and as -- as I said, 23 it's consistent with the claim language where it is 24 configured to play back individually. 25 And so as long as you can either play	10:34:53 10:35:06 10:35:30 10:36:01 10:36:23 10:36:41 Page 51	1 the moment any other speaker begins to play audio, 10:38:39 2 it implies that you are also going to be playing 3 the same audio, then you were not configured to 4 play individually, and you did not, in the Court's 5 words, continue to operate individually, and, 10:38:53 6 therefore, you are not in standalone mode in that 7 case. 8 Q. So, in your opinion, a player can be in 9 standalone mode when it's not playing audio, 10 correct? 10:39:27 11 A. It's -- it's possible; that right. But 12 it's not a criteria for meeting the standalone 13 mode. 14 Q. What else is required to meet the 15 standalone model? 10:39:39 16 A. It -- the -- the Court has already stated 17 that it has to operate individually. And, again, 18 this is consistent with the claim which says 19 "standalone mode in which the first zone players 20 configured to play back media individually." 10:39:57 21 So if you are not playing but you are 22 configured to play whatever -- any other speaker in 23 the group is playing, then you are not configured 24 to play back individually. And, again, in the 25 Court's language, you are -- you are not continuing	10:38:39 10:38:53 10:39:27 10:39:39 10:39:57 10:40:15 Page 53

1 new group with a player that's playing different 2 audio, what would happen with the non-infringing 3 alternative? 4 A. Once the group would elect the leader, 5 the -- the audio playing on the leader would be 6 playing on both devices. 7 Q. If a player that is not playing audio is 8 added to a new group with a player that is playing 9 audio, what would happen with the non-infringing 10 alternative? 11 A. I think that was your first question in 12 this hypothetical. You just reversed them, but 13 there is no difference. They would both be playing 14 the same audio. 15 Q. Okay. 16 A. I may have missed something. 17 Q. Yeah, what I'm -- 18 A. One of the two questions -- 19 Q. No -- 20 A. -- they sounded identical to me. 21 Q. Yeah, just the first player was the one 22 not playing audio was added to a group with the 23 second player that was playing audio -- I was just 24 doing the opposite. 25 But you're saying it would operate the	11:22:20 11:22:35 11:23:02 11:23:13 11:23:18 11:23:32 Page 70	1 To put it in another way, it's not just 2 that it would -- that they would both continue to 3 play audio, but they could not actually play 4 individually from that moment on, and that would be 5 true for either device until the group was 6 dismantled. 7 Q. And so circling back to -- to the 8 standalone mode requirement of the claim, it -- 9 it's your opinion that a player can be in 10 standalone mode if it's playing audio on its own, 11 correct? 12 A. I mean, I -- I would go back to 13 paragraph 75 of my supplemental report, which is 14 Exhibit 113, and specifically the Court's order 15 describes that standalone mode is to continue to 16 operate individually. So as long as you continue 17 to operate individually, you are in standalone 18 mode. If you are not operating individually, you 19 are no longer in standalone mode. 20 I'm not sure if that answers your 21 question, but that's my understanding of what 22 standalone mode is. 23 Q. And you can operate in standalone mode 24 whether or not you are playing audio, correct? 25 A. You can operate individually by	11:25:12 11:25:26 11:26:23 11:27:05 11:27:23 11:27:38 Page 72
1 same way, right? If one of the players is playing 2 audio, then once the group is created, both players 3 would start playing the audio of the player that 4 was playing audio; is that correct? 5 A. The group is not aware of the term 6 "first" and "second," so I agree with that. 7 Q. Okay. Now, if a player is not playing 8 audio and is added to a new group with another 9 player that's also not playing audio, what would 10 happen? 11 A. They both would not be playing, but they 12 would be -- but the moment either one of them is 13 playing, it would start playing on both. 14 Q. Okay. And so would something be 15 happening -- I'll call it -- under the hood that 16 would cause those two players to be configured for 17 synchronous playback once they are added to the 18 group? 19 A. Yeah, they -- they -- they would be in a 20 situation where they are part of the group. 21 Everybody is paying attention to whether the group 22 is instructed to play music or -- or either of the 23 devices is instructed to play music or audio, and 24 if the answer is audio is about to begin playing, 25 it will play in both of them or not at all.	11:23:34 11:23:44 11:24:03 11:24:19 11:24:35 11:24:55 Page 71	1 operating -- without playing or while playing, but 2 in either case, you have to operate individually, 3 and if you just simply are not playing, as I 4 mentioned earlier, that's not a proof of anything. 5 That's just one situation. You have to be able to 6 operate individually both to play and not play. 7 If -- and -- and not affect or be affected by 8 anything -- sorry, not be affected by anything 9 that's happening to other speakers in order to be 10 able to play individually. 11 Q. Now, if we look at paragraph 728 of your 12 report. 13 A. Yes. 14 Q. In the "Indeed" sentence -- it looks like 15 it's the third sentence -- you state: 16 "... currently, when a single speaker is playing 17 music and a group is playing music and the single 18 speaker is added to the group, the speaker will 19 begin playing the music that the group was 20 playing." 21 Do you see that? 22 A. Uh-huh. 23 Q. Does that accurately describe the current 24 operation of the Google system? 25 MS. AUBRY: Objection. Form.	11:27:40 11:27:57 11:28:15 11:29:10 11:29:15 11:29:23 11:29:38 Page 73